

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 54

March 27, 1996, 10:38 a.m.  
Page S-2924 Temp. Record

## PRESIDIO-PARKS BILL/Substitute, cloture

**SUBJECT:** Administration of Presidio Properties and other matters . . . H.R. 1296. Murkowski motion to close debate on the Murkowski modified substitute amendment No. 3564.

## ACTION: CLOTURE MOTION REJECTED, 51-49

**SYNOPSIS:** As reported, H.R. 1296, an act to provide for the administration of certain Presidio properties, will create a public trust to manage about 80 percent of the Presidio, a former army post in San Francisco, California, which is now a part of the Golden Gate National Recreation Area.

**The Murkowski substitute amendment** would enact a bipartisan package of more than 50 park and public lands bills, including the Presidio bill. Most of the bills in the package are noncontroversial. Two of the bills that have generated controversy are the Utah Wilderness bill (S. 884) and the Sterling Forest bill (S. 223). S. 884 would designate 2 million acres in Utah as wilderness. Utah's State and local governments want to limit that amount to 900,000 acres; Federal land management experts, after 17 years of study of 3.2 million acres to see if they qualified for designation as wilderness, recommended designating 1.9 million of those acres as wilderness; certain environmental organizations have demanded the designation of 5 million to 6 million acres in Utah as wilderness. S. 223 is controversial because it would, in part, use scarce Park Service funds to purchase scenic easements along the Appalachian Trail (many Senators consider this project to be of lower priority than other projects that need funding).

On March 25, 1996, Senator Murkowski sent to the desk, for himself and others, a motion to close debate on the Murkowski amendment.

NOTE: A three-fifths majority (60) vote of the Senate is required to invoke cloture.

The following matters were pending when the cloture vote was held: a Dole first-degree amendment to the Murkowski amendment; a Dole second-degree substitute amendment to the Dole first-degree amendment; a Kennedy amendment to the underlying bill; a Kerry second-degree substitute amendment to the Kennedy amendment; a Dole motion to commit the bill to the Committee on Finance, with instructions; a Dole substitute amendment to the motion to commit; and a Dole second-degree amendment to the Dole substitute amendment.

(See other side)

YEAS (51)			NAYS (49)			NOT VOTING (0)	
Republicans (49 or 92%)	Democrats (2 or 4%)		Republicans (4 or 8%)	Democrats (45 or 96%)		Republicans (0)	Democrats (0)
Abraham	Helms	Heflin	Chafee	Akaka	Inouye		
Ashcroft	Hutchison	Johnston	Cohen	Baucus	Kennedy		
Bennett	Inhofe		Roth	Biden	Kerrey		
Bond	Jeffords		Specter	Bingaman	Kerry		
Brown	Kassebaum			Boxer	Kohl		
Burns	Kempthorne			Bradley	Lautenberg		
Campbell	Kyl			Breaux	Leahy		
Coats	Lott			Bryan	Levin		
Cochran	Lugar			Bumpers	Lieberman		
Coverdell	Mack			Byrd	Mikulski		
Craig	McCain			Conrad	Moseley-Braun		
D'Amato	McConnell			Daschle	Moynihan		
DeWine	Murkowski			Dodd	Murray		
Dole	Nickles			Dorgan	Nunn		
Domenici	Pressler			Exon	Pell		
Faircloth	Santorum			Feingold	Pryor		
Frist	Shelby			Feinstein	Reid		
Gorton	Simpson			Ford	Robb		
Gramm	Smith			Glenn	Rockefeller		
Grams	Snowe			Graham	Sarbanes		
Grassley	Stevens			Harkin	Simon		
Gregg	Thomas			Hollings	Wellstone		
Hatch	Thompson				Wyden		
Hatfield	Thurmond						
	Warner						

### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

The Dole first-degree amendment to the Murkowski amendment would provide for the exchange of certain lands and interests in areas of the Deerlodge National Forest, Montana.

The Dole second-degree substitute amendment to the Dole amendment would substitute identical provisions with the addition of language to establish the Vancouver National Historic Reserve in the State of Washington.

The Kennedy amendment to the underlying bill would increase the minimum wage to \$4.25/hour until July 3, 1996, to \$4.70/hour from July 4, 1996 to July 4, 1997, and to \$5.15/hour thereafter.

The Kerry second-degree substitute amendment to the Kennedy amendment would increase the minimum wage to \$4.25/hour until July 3, 1996, to \$4.70/hour from July 4, 1996, to July 5, 1997, and to \$5.15/hour thereafter.

The Dole motion to commit with instructions would require the Finance Committee to report the bill back by April 21, 1996, with amendments to reform welfare and Medicaid.

The Dole first-degree amendment to the motion to commit would require the Committee to report the bill back by April 21, 1996 with amendments to reform welfare and Medicaid effective one day after the effective date of the bill.

The Dole second-degree amendment to the Dole first-degree amendment would require the Committee to report the bill back by April 21, 1996 with amendments to reform welfare and Medicaid effective two days after the effective date of the bill.

**Those favoring** the motion to invoke cloture contended:

We are in a terrible parliamentary tangle right now, and we have little hope that we will be able to get out of it. Two controversial provisions in H.R. 1296 in particular make it difficult enough to get it enacted, but the proposal of a special-interest amendment on the minimum wage (by Senators who asked for special treatment in the underlying bill) has made it a near impossibility.

The Presidio bill contains more than 50 separate parks measures. Most of them have been on the calendar for a year. The reason they have been on the calendar for that long is that holds have been placed on them by the senior Senator from New Jersey who is anxious to have the Sterling Forest measure enacted. That measure, which is of particular interest to the Senators from New York and New Jersey, will provide for the protection of a watershed. The protection of that watershed is of some urgency. However, that measure will also provide funds for the purchase of private land in the same area, though not within the watershed, that is alongside the Appalachian Trail. The purchase of that land is not considered a high priority by many Members, and it will use scarce Park Service funds. House Members have specifically indicated that they are not willing to approve the Sterling Forest measure.

Despite the fact that the Senator from New Jersey has been willing to delay dozens of meritorious, noncontroversial park projects because he has not been able to get his way, we support the Sterling Forest proposal. We have taken it and put it together with all the other projects that have been held up as a means of offering the House a package deal. Included in that deal is the Utah Wilderness bill. The House will not accept the package without that bill. The Senator from New Jersey, though, is not interested in this compromise. He is leading the filibuster against H.R. 1296 because he wants it to have his Sterling Forest provision and he wants the Utah wilderness provision taken out.

Making matters worse, the Senators from Massachusetts have offered amendments to raise the minimum wage (see vote Nos. 52 and 58). These amendments were offered at the same time as the AFL-CIO made a pledge to spend \$35 million more against Republican candidates. Interestingly, two of the provisions in this bill were added at the request of the Senators from Massachusetts. Those Senators knew full well of the controversy surrounding the minimum wage issue, and they were just as aware that this bill was in danger of being defeated by a filibuster. They knew that when they offered their amendments they would make the vote on cloture on the Murkowski amendment a nearly party-line vote with no chance of passing. They thus deliberately offered amendments as a political stunt even though they knew that they would kill two parks measures in their State that they (and we) support. As we said at the outset, we are now in a parliamentary tangle from which we are unlikely to escape.

The Utah wilderness provisions, which started the original filibuster against this bill, should be passed. Under the terms of the Wilderness Act, the BLM conducted a survey of the lands in Utah under its control to identify those areas that were free of any development and were thus suitable to be set aside, forever, as primeval wilderness. The BLM initially identified 3.2 million roadless acres in Utah for study, and then, after 16 years of painstaking, careful analysis, it recommended that 1.9 million of those acres receive the wilderness classification.

Our colleagues tell us that Utahns are outraged at this recommendation, wanting much more land to be set aside. What they do not tell us is that they are talking about a tiny minority of Utahns. The vast majority of that State's citizens object to the BLM proposal as being too expansive. Nearly every public official in Utah, for example, at both the State and county levels, has voted in favor of an alternative plan to set aside only 900,000 acres as wilderness. Most of the votes were unanimous. This bill will slightly increase the BLM's proposal by designating 2 million acres as wilderness. Our colleagues tell us that this designation is an example of Washington, D.C. running roughshod over State interests. If they really think so, we will be happy to let Utah decide. Of course, the last thing our colleagues really want is to let the people who live in this State that is more than 60-percent owned by the Federal Government to have any say over this bill. They want to lock up 6 million acres with the most restrictive land management designation that the Federal Government has, and they do not care that the people of Utah are against that action.

In the past several months certain environmental organizations have waged a huge disinformation campaign against the Utah

MARCH 27, 1996

VOTE NO. 54

wilderness proposal. They have used the issue as a fund-raising ploy by suggesting that its passage will result in a wholesale destruction of Utah public lands. Environmentalist fund-raising has become a multi-billion dollar business, and to raise funds issues are needed. The exaggerations, to use the nicest possible word, that they have made on this issue have filled their coffers, but they have done nothing to lead to a settlement that will preserve and protect the environment.

If the Utah wilderness provisions of this bill pass, 2 million of the 3.2 million acres under study will be designated as wilderness. The other acreage will be subject to any of the numerous other restrictions that are applied to Federal lands that the BLM deems appropriate. Further, no decision has yet been made on more than 20 million other acres in Utah that may eventually be designated as wilderness. All that has been decided is that 2 million acres out of 3.2 million acres, which is an area roughly equal to half the size of New Jersey, will be permanently preserved. In the future, if further studies indicate that another 4 million acres in Utah should be forever preserved from any use, we will be happy to consider adding them to the 104 million acres of wilderness in the United States that have already been designated. We will not, however, be bullied by environmental groups' fundraising distortions into approving additional acreage.

The BLM's recommendation, on which this bill's Utah wilderness provisions are based, took \$10 million and more than 15 years to complete. The process was carried out in the full light of the public land planning process. More than 16,000 written comments were received, there were over 75 formal public hearings, and appeal and protest rights were well publicized and used by groups of people on both sides of the issue. The BLM used well-defined criteria, and all of its actions were meticulously documented. Everyone's interests were considered, as they should have been. Our colleagues, on the other hand, represent one interest--environmental groups. These groups increasingly fabricate claims of environmental damage in Western States in order to raise funds from Easterners. These groups have noticed the unspoiled beauty of the Western States, and have decided that the people of those States who have kept it that way for all these years cannot be trusted.

Our colleagues' extremism from the outset threatened passage of this bill. The addition of the amendments by the Senators from Massachusetts sealed the coffin. Unfortunately, environmental extremism and partisan politics will prevent cloture on this bill which is needed to better protect the environment.

**Those opposing** the motion to invoke cloture contended:

Most of this bill is acceptable. It contains only 2 or 3 objectionable parts. By far the most objectionable part is the Utah wilderness section. If that section were struck, and a few other changes were made, we would be happy to let this bill pass by voice vote. If the bill passes as currently drafted, though, we will recommend that the President veto it, even though it contains items that will benefit our States.

The Utah wilderness section has numerous flaws. It is roughly based on an inadequate, biased survey by the BLM in Utah of lands that should be given a wilderness designation. In 1980, after 1 year of study, the BLM arbitrarily dismissed 20 million acres of land under its control as not meeting the requirements for a designation. That dismissal left only 2.6 million BLM acres which could possibly receive wilderness status. An appeal by Utah environmentalists got the BLM to increase that amount to 3.2 million acres. A decade and a half later, the BLM made its final decision that 1.9 million of those 3.2 million acres should be designated as wilderness. That decision has been roundly criticized by Utah citizens, environmentalists, and by BLM employees themselves. In contrast, a Utah citizens group conducted its own painstaking field work, and found that 5.7 million acres deserve the designation.

The BLM was only willing to recommend land as wilderness if it had no possible value for any of the traditional land users. Only if mining, grazing, timber, and commercial development interests thought the land was worthless would the BLM even begin to consider blocking its development. Under the wilderness act, the BLM is supposed to decide which priceless, wild lands the United States will preserve for future generations, not which worthless, desolate tracts it will set aside from development.

In making these recommendations, the BLM was following old, destructive patterns for the use of Federal lands. Historically, Federal land agencies have been held captive by special interests that exploit Federal lands. Those interests have caused tremendous damage throughout the West. Huge areas, for instance, have been polluted by mining companies, forests have been clear-cut by loggers, and ranchers have seriously over-grazed millions of acres of very sensitive grasslands. The devastation that has been wrought has damaged land that is owned by all Americans in common. Areas of incredible scenic beauty that should have been preserved for future generations have been subjected to unsustainable, destructive use.

In the past, these special interests that exploit the land represented a significant part of Western States' economies. They do not any longer. These industries, which follow inherently unstable boom-and-bust cycles, have declined in importance. In Utah, for instance, mining and agriculture income has declined from \$1.1 billion in 1980 to \$800 million today, and at the same time other earned income in the State has grown by \$20 billion to \$30 billion. Many of those jobs are in high-technology areas, such as software development, and Utah's population has rapidly grown. These new citizens are appreciative of the environment, and the tourism industry has expanded. A new West has emerged that is appreciative of the land for its own sake, rather than for what may be plundered from it.

We have other problems with the Utah wilderness section as well. For instance, we are upset that it refuses to assert any Federal water rights. This failure makes no sense especially for the riparian areas that will be designated as wilderness. It will do little good

**VOTE NO. 54**

**MARCH 27, 1996**

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for the Federal Government to set aside a river environment and then let a State divert the entire water supply for a city or a factory. We are also upset that this bill will allow valuable Federal lands to be traded to Utah for lands of "equal value." We oppose this formulation because lands of equal value will not really be traded--the Federal Government will give away land that has valuable resources like uranium or coal, and will receive acreage that is less valuable because it does not have resources.

The problems with the Utah wilderness bill are severe. America should not squander Utah's beautiful natural wonders. Though voting against cloture will likely result in the defeat of this bill and therefore the defeat of the parts of this bill that benefit our States, it is a price we are willing to pay to protect our national heritage. We urge our colleagues to join us on this vote.